

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRADLEY RAY CAIRNES,

Plaintiff,

v.

CITY OF SPOKANE POLICE  
DEPARTMENT, et al.,

Defendant.

CASE NO. C19-5266RBL

ORDER

THIS MATTER is before the Court on Plaintiff Cairnes Motion for Leave to Proceed in forma pauperis, supported by his proposed complaint [Dkt. # 1]. Cairnes names as defendants the Police Departments of Spokane, Ocean Shores, and Pacific, as well as the FBI. He claims they murdered his family, are conspiring to kill him:

1 Defendants stalked Plaintiff in an organized, relentless manner that terrorized him and  
2 his daughters, ultimately killing the girls and poisoning Plaintiff with Arsenic and as part of their  
3 plan have successfully prevented Plaintiff from receiving proper medical care which will soon  
4 result in his death and they have achieved their goals using their positions of authority and  
5 public trust as law enforcement and court officials .

6 Plaintiff became aware of this conspiracy in January of 2013 while living and working in  
7 Couer d'Alene Idaho and began reporting it to the very people responsible, the police.

8 His family has been brutally murdered in the most unspeakable, evil and terrifying way  
9 combined with the arsenic that is now about to kill him renders him unable to continue in an  
10 effective manner.

11 [Dkt. # 1 at 2]

12 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
13 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court has broad  
14 discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil  
15 actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.  
16 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed *in*  
17 *forma pauperis* at the outset if it appears from the face of the proposed complaint that the action  
18 is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.  
19 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint  
20 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778  
21 F.2d 527, 529 (9th Cir. 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

22 A *pro se* Plaintiff’s complaint is to be construed liberally, but like any other complaint it  
23 must nevertheless contain factual assertions sufficient to support a facially plausible claim for  
24 relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (citing *Bell*  
*Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)). A  
claim for relief is facially plausible when “the plaintiff pleads factual content that allows the

1 court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”  
2 *Iqbal*, 556 U.S. at 678.

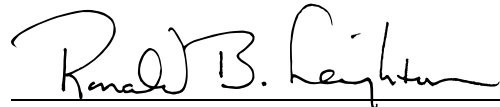
3 Ordinarily, the Court will permit pro se litigants an opportunity to amend their complaint  
4 in order to state a plausible claim. *See United States v. Corinthian Colleges*, 655 F.3d 984, 995  
5 (9th Cir. 2011) (“Dismissal without leave to amend is improper unless it is clear, upon de novo  
6 review, that the complaint could not be saved by any amendment.”)

7 Cairns complaint does not meet this standard. He has not named any individual defendant  
8 or articulated any claim against any defendant over which this court has jurisdiction. His claim  
9 that four scattered police departments and the FBI conspired to and did brutally murder his  
10 daughters (and to poison him) is not plausible. He has not identified any actual facts—the who  
11 what when where and why—that add up to a plausible story or a viable federal claim.

12 The Motion for Leave to Proceed *in forma pauperis* is DENEID. Cairnes shall file an  
13 amended complaint addressing these deficiencies within 21 days, or pay the filing fee, or the  
14 matter will be dismissed without further notice. If he does pay the filing fee, the case is still  
15 subject to *sua sponte* dismissal as frivolous.

16 IT IS SO ORDERED.

17 Dated this 22<sup>nd</sup> day of May, 2019.

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20 Ronald B. Leighton  
21 United States District Judge  
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